

## MEETING RECORD

**NAME OF GROUP:** City Board of Zoning Appeals

**DATE, TIME AND**

**PLACE OF MEETING:** Friday, August 27, 2004, 1:30 p.m., Hearing Chambers, County-City Building, 555 South 10<sup>th</sup> Street, Lincoln, Nebraska

**MEMBERS AND OTHERS**

**IN ATTENDANCE:**

**Members:** Gene Carroll, George Hancock, Tom Wanser, and Linda Wibbels. (Gerry Krieser absent.)

**Others:** Terry Kathe (Building & Safety), Tonya Skinner (City Law Dept.), Becky Horner and Michele Abendroth (Planning Dept.), applicants and other interested parties.

**STATED PURPOSE**

**OF THE MEETING:** Regular Meeting of the City Board of Zoning Appeals

Mr. Carroll called the meeting to order at 1:35 p.m.

### Approval of the minutes of the May 21, 2004 meeting

Mr. Wanser made a motion to approve the May 21, 2004 minutes, seconded by Ms. Wibbels. Motion carried 4-0. Carroll, Hancock, Wanser and Wibbels voting 'yes'; Krieser absent.

**Appeal No. 2371 by Chad Johnson for a variance to reduce the side and rear yard setbacks on property generally located at 1439 S. 28<sup>th</sup> Street.**

### PUBLIC HEARING

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Chad Johnson, owner of the property at 1439 S. 28<sup>th</sup> Street, stated that he would like to add a bathroom and a garage to the first floor of his two-story home. He bought this house with the intent of making improvements. The house is considered a three bedroom home, but one room is extremely small, so they would like to add another bedroom and bathroom above the garage. They feel the addition will improve safety concerns as well. Also, by removing the carport, an eyesore would be removed from the neighborhood.

Mr. Carroll asked if there was further testimony in favor of or against the appeal.

Charles Sybert, owner of the property at 1515 S. 28<sup>th</sup> Street, stated that he supports Mr. Johnson's application. Many of the homes in the neighborhood are or have been remodeled recently, and the neighborhood continues to improve. He believes that putting an addition on a home can only improve the value of the home and neighborhood as well as increase the tax base for the City.

Marsha Sybert, owner of the property at 1515 S. 28<sup>th</sup> Street, stated they have a unique neighborhood and community. She doesn't believe families should be penalized for trying to improve their property. The carport is an eyesore and would benefit the neighborhood to remove it. In addition, the higher value of the home would increase the tax base for the City.

Mr. Carroll asked if there was further testimony in favor of or against the appeal. With no one appearing further, Mr. Carroll closed the hearing.

**ACTION**

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Ms. Wibbels asked what the orange markings on the property were. Mr. Johnson replied that he rented a lot locator and marked the footplate of the addition. The neighbor's driveway is partially on his property. Ms. Wibbels asked if a permanent or temporary easement was granted in this situation. Mr. Johnson stated that to his knowledge, there is no such agreement.

Mr. Wanser questioned the size of the addition and asked if the addition could be done without the extra 6 foot variance on the rear yard. Mr. Johnson stated that the setback on the north side is at 12.5 feet, and the house sits at 11.5 feet, so the house currently is not in compliance with the code. They chose to add on the additional 6 feet for storage.

Mr. Hancock made a motion to reject the application, seconded by Mr. Carroll.

Mr. Hancock stated that he does not like to reject any improvements to a home, but there are no peculiar or unusual circumstances with this land.

Ms. Wibbels believes that the unusual thing about this property is that this property has been sub-divided where the other properties in the neighborhood have not been. She asked if there were other options for the applicant. Mr. Kathe stated that with a variance, they could reduce the rear yard from 12.5 feet to 11.5 feet to bring it in line with the existing house, but they would lose 6 feet off the rear and 1 foot on the side that they are requesting.

Mr. Wanser stated that although he likes to see improvements made in old neighborhoods, he does not see anything unusual about this property. Additionally, there is a buildable option for the applicant.

Ms. Skinner stated that they must find something unusual or peculiar about the property. The second consideration is to minimize the effects on the surrounding neighbors.

Mr. Hancock withdrew his motion to reject the application. Motion carried 4-0. Carroll, Hancock, Wanser and Wibbels voting 'yes'; Krieser absent.

Mr. Wanser moved to approve a variance of the rear yard to 11.5 feet and to deny the request for a reduction in the side yard setback, seconded by Ms. Wibbels. Mr. Carroll noted that the peculiar and unusual circumstance is that it is a very small corner lot, and since this is an existing older home, he feels it is acceptable to build the addition to the same distance as the existing home. Motion carried 4-0. Carroll, Hancock, Wanser and Wibbels voting 'yes'; Krieser absent.

There being no further business, Mr. Carroll adjourned the meeting at 1:49 p.m.